

**1348 COMMITTED DELINQUENTS: ESCAPEES AND ABSCONDERS**Chapter: **Juvenile Justice Field Services**Section: **Youth Supervision**

New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive:

Approved:

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Rodney Forey, DJJS Director

Related Statute(s): [RSA 169-A](#); [RSA 169-B](#); [RSA 170-H](#); [RSA 170-G:8-a](#); [RSA 621](#); and [RSA 642:6](#),

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s):

Bridges' Screen(s) and Attachment(s):

DJJS is committed to professionalism in its delivery of juvenile probation and parole services. Through the application of balanced and restorative justice principles, the development and imposition of graduated sanctions, and consistent with public safety, DJJS promotes personal accountability and acceptance of responsibility by juveniles who commit offenses. DJJS also promotes the safety of juveniles who are endangered because of the actions or inactions of others responsible for their care or supervision, or as a result of their own harmful behaviors. This juvenile probation and parole policy is established to reflect these commitments.

**Purpose**

This policy establishes authority and responsibility for juvenile probation and parole supervisors and officers (JPPSs and JPPOs), to cooperate with and assist law enforcement agencies and the John H. Sununu Youth Services Center in the location, apprehension and return to custody of detained or committed delinquents who have escaped or absconded from the supervision and control of the NH Department of Health and Human Services (DHHS), Division for Juvenile Justice Services (DJJS).

**Definitions**

**"Absconder"** within the context of this policy means a committed delinquent who fails to report for parole supervision, who has departed his or her authorized residence without permission of the supervising JPPO, and whose whereabouts are unknown.

**"Administrative Release to Parole"** means an administrative procedure to provide a period of community adjustment before parole status is granted [see: RSA 170-H:2, I; and RSA 621:3, I]. Except in cases of emergency as determined by the commissioner of DHHS, an administrative release remains in effect for no longer than 30 days [see: RSA 170-H:5].

**"Commitment"** or **"Committed"** means the dispositional status of minors who are ordered into the custody of DHHS for the remainder of their minority by a NH court as a result of being adjudicated delinquent, and who are subsequently placed in the care and control of the John H. Sununu Youth Services Center or another facility certified by DHHS for the commitment of minors; included are those juveniles who have been administratively released to parole, and those juveniles who have been paroled by the NH Juvenile Parole Board [see: RSA 169-B:19, I (j); and RSA 621:3, III].

**"Escape"** means the unlawful departure of a lawfully confined person from official custody. A person is guilty of a felony offense if he or she escapes from the official custody of an arresting officer, a

penal institution, “*an institution for confinement of juvenile offenders*” or other confinement pursuant to an order of a court [see: RSA 642:6].

**“Escapee”** means a person who has unlawfully departed from official custody [see “escape”].

**“Interstate Compact on Juveniles” or “ICJ”** means the interstate agreement authorizing the supervision of adjudicated delinquents and status offenders on probation or parole; the return of juvenile runaways, escapees and absconders; and the rendition of juveniles charged as delinquents--from one state to another; the compact is codified in NH as RSA 169-A.

**“Law Enforcement Officer”** means “a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer, or a conservation officer [see: RSA 630:1, II].”  
**(Note:** Juvenile Probation and Parole Officers are *not* included in this definition.)

**“National Crime Information Center” or “NCIC”** means the computerized index of criminal justice information that is operational 24 hours a day, 365 days a year. It is maintained for the purpose of providing a computerized database of information for ready access by criminal justice agencies to aid in the apprehension of fugitives, location of missing persons, locating and returning stolen property, and the protection of law enforcement officers encountering the persons described in the system. The NCIC system includes: “Juveniles who have been adjudicated delinquent and who have escaped or absconded from custody, even though no arrest warrants were issued. Juveniles who have been charged with the commission of a delinquent act that would be a crime if committed by an adult, and who have fled from the state where the act was committed.”  
[Source: <http://www.fas.org/irp/agency/doj/fbi/is/ncic.htm>, “National Crime Information Center (NCIC) – FBI Information Systems”.]

**“Parole”** means a conditional release of a committed delinquent from the custody of DHHS, that allows the delinquent to serve the remainder of his or her commitment outside of an institution or facility operated by DHHS, subject to compliance with the conditions and limitations of conduct established by the Juvenile Parole Board [see: RSA 170-H:2, VII; and RSA 621:3, VIII]. A juvenile parolee is in the custody of the Board and is supervised in the community by a JPPO. Parole is revocable; if the parolee fails to comply with the imposed conditions, the Board may revoke the release and return the juvenile to the John H. Sununu Youth Services Center for the remainder of the commitment.

## Policy

- I. When a delinquent minor, who has been committed to the custody of DHHS pursuant to RSA 169-B:19, I (j), escapes or absconds from the custody or supervision of DJJS, it is the duty and responsibility of DJJS to notify the appropriate persons, including law enforcement agencies, in an effort to locate and return the juvenile to the John H. Sununu Youth Services Center.
- II. When a committed delinquent escapes from the John H. Sununu Youth Services Center or another facility certified by DHHS for the commitment of minors, or fails to return to the John H. Sununu Youth Services Center from an authorized pass, furlough, or other temporary release, the provisions of “New Hampshire Youth Development Center Regulation 9014A”, or subsequent revisions thereto, are followed by appropriate DJJS personnel.
- III. When a committed delinquent who is on “administrative release to parole”, parole, or administrative furlough to an alternate placement facility, absconds from the supervision of the JPPO or from the placement facility, the JPPO shall immediately notify the on-duty Operations

Officer at the John H. Sununu Youth Services Center; the latter then follows the procedure sent forth in Policy section II immediately above.

- IV. When a juvenile parolee “[a]bsconds from supervision for a period of 30 days or more”, the Juvenile Parole Board shall be notified [see: RSA 170-H:9 (c)].
- V. The assigned JPPO shall proactively assist appropriate law enforcement and the John H. Sununu Youth Services Center facility personnel in obtaining and providing information and leads that may assist in the location and apprehension of committed delinquents who have escaped or absconded from custody or supervision.
- VI. The JPPO shall be familiar with, and comply with other relevant policies.
- VII. The JPPO shall be familiar with, and comply with applicable confidentiality and privacy requirements.
- VIII. If the JPPO obtains information that a juvenile escapee or absconder is in custody in another state, or that the juvenile’s whereabouts are believed to be at an out-of-state location, the JPPO shall immediately notify the NH Deputy Compact Administrator for the Interstate Compact on Juveniles (ICJ) [see: RSA 169-A], the appropriate law enforcement agency, and the John H. Sununu Youth Services Center Operations Officer, and provide relevant information.

## **Procedures**

- I. Confidentiality and Privacy Requirements: The JPPO reviews and adheres to the following statutes and case law:
  - A. RSA 169-B:34 “Court Sessions; Access to Information”;
  - B. RSA 169-B:35 “Juvenile Case and Court Records”;
  - C. RSA 169-B:35-a “Access to Information by Victims of Violent Crime”;
  - D. RSA 169-B:36 “Penalty for Disclosure of Juvenile Records”;
  - E. RSA 169-B:37 “Publication of Delinquency Restricted”;
  - F. RSA 169-B:38 “Penalty for Forbidden Publication”;
  - G. RSA 169-B:46 “Publication Permitted”;
  - H. RSA 170-G:8-a “Record Content; Confidentiality; Rulemaking”;
  - I. RSA 170-H:7 “Juvenile Parole Records”;
  - J. RSA 621:15 “Records of Children Committed or Detained”; and
  - K. “[In re: Ryan D.](#)”, 146 NH 644 (2001).
- II. Relevant Policies: The JPPO reviews and adheres to the following policies:
  - A. “Arrest and Custodial Authority of Juvenile Probation and Parole Officers”;

- B. "Photographing Delinquent Minors and Children in Need of Services"; and
  - C. "Supervision of Juvenile Parolees."
- III. Absconders from Administrative Furlough, Administrative Release to Parole, or Parole: When a committed delinquent absconds from supervision or placement, the JPPO immediately notifies the John H. Sununu Youth Services Center Operations Officer. For any juvenile parole absconder who absconds from supervision for a period of 30 days or more, the Juvenile Parole Board is also notified.
- IV. Gathering Information: The JPPO obtains or attempts to obtain the following:
- A. The complete legal name and birth date of the juvenile, including known aliases and nicknames;
  - B. Any recent photographs of the missing juvenile;
  - C. A physical description of the missing juvenile, including any known distinguishing marks, scars, tattoos, body-piercing, or other identifying physical characteristics;
  - D. The names and addresses of known associates, including friends, relatives, prior co-defendants, and any known or suspected gang or cult affiliations, both in NH and in other states;
  - E. Additional addresses and locations where the juvenile has been known to frequent;
  - F. Prior runaway and escape history including places where previously located;
  - G. Information regarding any danger the juvenile may pose to self or others, such as use of and access to weapons, delinquency and criminal history, history of violence toward others, suicidal ideation, use of medications and illegal substances, and life-threatening health information; and
  - H. Any other information or leads that the JPPO can develop from interviews with:
    - 1. Other DHHS field or institutional staff who have previously known the juvenile or co-defendants;
    - 2. Family members of the juvenile; and
    - 3. Known associates of the juvenile.
- V. Reporting Information: The JPPO provides the information gathered in Procedure section (d) immediately above to appropriate DJJS and law enforcement personnel.
- VI. Interstate Compact on Juveniles: If the JPPO obtains information that a juvenile escapee or absconder is in custody in another state, or that the juvenile's whereabouts are believed to be at an out-of-state location, the JPPO:
- A. Notifies the appropriate NH law enforcement agency and confirms that the juvenile's escape or absconder status has been entered into NCIC;

- B. Notifies the NH Deputy Compact Administrator for the Interstate Compact on Juveniles;
  - C. Provides a copy of any outstanding arrest warrant and commitment order to the NH Deputy Compact Administrator; and
  - D. The NH Deputy Compact Administrator then follows ICJ procedures and due process requirements regarding the apprehension and return of the escapee or absconder to NH.
- VII. Juvenile Returned to the John H. Sununu Youth Services Center: When a juvenile escapee or absconder has been located and returned to the John H. Sununu Youth Services Center, the JPPO assures that appropriate persons and agencies have been notified, to include:
- A. Parents or guardians;
  - B. Law enforcement agencies;
  - C. Juvenile Parole Board (where appropriate);
  - D. Prior placement facility (if applicable);
  - E. Court of jurisdiction; and
  - F. Other appropriate DJJS staff.